



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,858	07/22/2003	Todd Hanna	034017R007	7704

441 7590 01/10/2006

SMITH, GAMBRELL & RUSSELL, LLP  
1850 M STREET, N.W., SUITE 800  
WASHINGTON, DC 20036

EXAMINER

NICOLAS, FREDERICK C

ART UNIT PAPER NUMBER

3754

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

88

<b>Office Action Summary</b>	<b>Application No.</b> 10/623,858	<b>Applicant(s)</b> HANNA ET AL.	
	<b>Examiner</b> Frederick C. Nicolas	<b>Art Unit</b> 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 and 29-45 is/are allowed.
- 6) ☒ Claim(s) 20, 21, 46 and 47 is/are rejected.
- 7) ☒ Claim(s) 22-28 and 48 is/are objected to.
- 8) ☒ Claim(s) 1-48 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/04(2)&amp;12/04(3)</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-19,43,46-48 in the reply filed on 10/27/2005 are acknowledged. Further, claims 20-42 and 44 have been considered and added to the elected claims invention because the claim amendment to independent claims 20, 29, 37 and 44.

***Preliminary Amendment***

2. The preliminary amendment filed on 10/15/2004 has been entered.

***Claim Objections***

3. Claims 44 and 48 are objected to because of the following informalities: in claim 44, line 2, it is unclear by what is meant by the claimed limitation "clean"; in claim 48, line 2, there is lack antecedent basis for the claimed limitation "said compression". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Sperry et al. 4,426,023.

Sperry et al. disclose a mixing module (110), which comprises a housing (126,132) having a front end and a rear end and an internal cavity and a capped

Art Unit: 3754

forward end (204), a fluid reception chamber (156) received within the internal cavity and having a rod passageway extending therein and at least one chemical (138) reception passageway opening into rod passageway, a rod (154) received within the rod passageway, a solvent supply means which feeds solvent to a space formed between axially spaced radially extending portions of the capped forward end (col. 4, ll. 57-61), a dispenser tip management system (124) comprising the mixing module and further comprising means (116) for physically contacting the forward capped end to clean build up of dispensed material on the forward capped end.

6. Claims 46-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Cherfane 5,180,082.

Cherfane discloses a mixing module (14), which comprises a housing (122) having an interior cavity, a mixing chamber (144) received within the interior cavity of the housing, a rod (150) which is dimensioned for reciprocation in a passageway formed in the housing, at least one chemical inlet port (86) formed in the mixing chamber, and a solvent filling port (64,66) formed in the housing and having a releasable solvent chamber closure cap (213) engaged with the port, the housing further includes a solvent flow feed port (221) which opens into the interior cavity and is spaced from the solvent filling port as seen in Figure 4.

***Allowable Subject Matter***

7. Claims 1-19,29-45 are allowed.

Art Unit: 3754

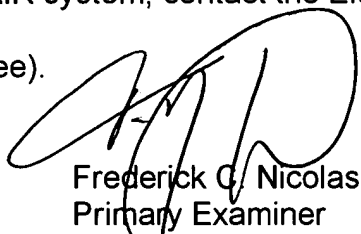
8. Claims 22-28,48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Krup 3,231,140 discloses other type of mixing module.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar, can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN  
January 6, 2006

 1/6/06  
Frederick C. Nicolas  
Primary Examiner  
Art Unit 3754